

**To:** CN=Jayne Carlin/OU=R10/O=USEPA/C=US@EPA[]  
**Cc:** []  
**Bcc:** []  
**From:** CN=Don Waye/OU=DC/O=USEPA/C=US  
**Sent:** Fri 6/1/2012 7:50:18 PM  
**Subject:** Re: Revised Agenda on Monday June 4

Jayne,

I am in the office all day Monday, but am sequestered in an all-day retreat with my boss, so I'm not really available.

I read through all 33 pages, too. I was not persuaded. They are holding CZARA to a much higher standard than we have ever held any state to. CZARA won't bend that far and their expectations are unrealistic.

The one time I can recall that we have taken back a condition that we previously approved is when a state legislature completely erased the statute that provided the only defensible rationale for approval. Of course, if the legislative reversal had happened after NOAA and EPA conferred final approval, we don't have the power to take it back. But we can dock a state's 319 grant award for failing to implement its coastal nonpoint program (which is to be implemented through its 319 program) and make satisfactory progress in implementing its NPS management program per the 319(h)(8) statute.

Don

**From:** Jayne Carlin/R10/USEPA/US  
**To:** Don Waye/DC/USEPA/US@EPA  
**Date:** 06/01/2012 02:05 PM  
**Subject:** Re: Revised Agenda on Monday June 4

Hi Don,

I was aware that it could be a problem with you. Unfortunately, this was the only date that worked for the majority at the time I set up the call. Are you in at all that day? If so, I will call you to update you on the call and obtain your input before putting together the summary.

As you can tell, the focus will be on Forestry although I am concerned with the lack of much progress on the New Development. I left a call in with Gene on the progress with the New Development (the manual) and I am not hopeful.

By the way, have we ever revisited a condition which we conditionally approved? I finally read all 33 pages of the NWEA's letter and their case is fairly persuasive on paper.

Do you have any thoughts you would like me to pass on during the call.

I am sorry.

Jayne

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<http://www.epa.gov/r10earth/tmdl.htm>

From: Don Waye/DC/USEPA/US  
 To: Jayne Carlin/R10/USEPA/US@EPA,  
 Date: 06/01/2012 09:46 AM  
 Subject: Revised Agenda on Monday June 4

Hi Jayne,

This is just a reminder that I will not be on Monday's call, as I've have a longstanding commitment on my calendar that day.

Don

From: Jayne Carlin/R10/USEPA/US  
 To: allison.castellan@noaa.gov, David Croxton/R10/USEPA/US@EPA, David Powers/R10/USEPA/US@EPA, Don Waye/DC/USEPA/US@EPA, Jennifer Wu/R10/USEPA/US@EPA  
 Cc: Helen Rueda/R10/USEPA/US@EPA, Alan Henning/R10/USEPA/US@EPA  
 Date: 06/01/2012 12:38 PM  
 Subject: Revised Agenda on Monday June 4 (10 AM Seattle/OR or 1 PM DC) CZARA 2617 SA Commitments: Feds Only  
 [Call In Number **Non-Responsive** or Dave Croxton's Office]

CZARA 2617 SA Commitments: Feds Only

Agenda  
 June 4 (10 AM Seattle/OR or 1 PM DC) [Call In Number **Non-Responsive** or Dave Croxton's Office]

Goals:

- 1) Discuss new developments
- 2) Determine how to best address our & OR's ability to meet the settlement schedule
- 3) Discuss support needed to address EPA/NOAA's assessment
- 4) Decide on messages that we want to send our upper management on SA progress and support/actions they can provide (and/or messages to send to Oregon DEQ).

Settlement Agreement Schedule (see attached)[attachment "SA and Exhibit A Schedule.xlsx" deleted by Don Waye/DC/USEPA/US]

- Which dates are flexible?
- Any actions needed (revise SA dates? Other?)

How to Addresss Upcoming EPA/NOAA Commitment:

Dec 31, 2012: NOAA and EPA must prepare a written assessment to Oregon DEQ with copy to the plaintiff on whether implementation of the Oregon Coastal TMDL Approach in the Mid-Coast Sub-basins is likely to result in actions that will achieve and maintain WQS and

whether Oregon's plan for developing and updating TMDLs for all sub-basins in the CNPCP management area using the Oregon Coastal TMDL Approach could satisfy the outstanding forestry condition.

Therefore by December 2012, NOAA and EPA need enough information to develop that assessment. This may be challenging as the draft mid coast TMDL is scheduled for public notice in January 2013 with submittal to EPA by June 2013 (one year later than originally scheduled).

Updates: EPA Attorney's Departure & Other Changes

- Recent Ruling on Oregon's Temperature Standard (Jenny Wu)
- NWEA's request for EPA/NOAA to revisit its conditional approval of the agriculture management measures in OR's

CNPCP

- Discussion on its Potential Impact on the CZARA SA

Messages to EPA/NOAA upper management on actions they should take

Actions Items

Regards,

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